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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 ANTHONY BURRIOLA,

6 Plaintiff

Case No. 2:19-cv-01936-RFB-NJK

ORDER

7 v.

8 STATE OF NEVADA, *et al.*,

9 Defendants

10  
11 **I. DISCUSSION**

12 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections  
13 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1.  
14 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*  
15 *forma pauperis*.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
17 application to proceed *in forma pauperis* and attach both an inmate account statement for the past  
18 six months and a properly executed financial certificate. The Court will retain Plaintiff’s civil  
19 rights complaint, Docket No. 1-1, but will not file it until the matter of the payment of the filing  
20 fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma*  
21 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an  
22 application to proceed *in forma pauperis* he must file a fully complete application to proceed *in*  
23 *forma pauperis*, including both an inmate account statement for the past six months and a properly  
24 executed financial certificate.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
27 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
28 document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that, no later than **December 5, 2019**, Plaintiff must either:  
2 (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with  
3 complete financial attachments, including both an inmate account statement for the past six months  
4 and a properly executed financial certificate, in compliance with 28 U.S.C. § 1915(a); or (2) pay  
5 the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50  
6 administrative fee).

7 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,  
8 dismissal of this action may result.

9 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
10 No. 1-1, but will not file it at this time.

11 DATED: November 5, 2019.

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16 NANCY J. KOPPE  
17 UNITED STATES MAGISTRATE JUDGE  
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